

DRISCOLL HANGED.

(Continued from First Page.)

sounded with peculiar significance through the grim corridors of the Tomb yesterday.

The gray spirit brooded over the place and even the small but curious crowd that came in to witness the services, with the hope of seeing the condemned man, showed that they, too, felt the chill pressure by the quick, hushed look on their faces.

And the man between whom and the impenetrable gulf the brief span of light and darkness intervened sat silently in his cell and listened. His face showed no emotion, but what emotions were stirred in his breast were known only by himself.

He spoke not, and the grave-faced men that watched at his cage—the death-watch—were as silent as he.

He had arisen at 7 o'clock in the morning and appeared in better spirits than for many days previously. There was a high color in his face and all his former nervousness had left him.

A black suit gave him a neat, dressed appearance and while he read the evening paper, as was his usual custom on arising, he chatted pleasantly with Deputy Sheriff Young, Walsh and Carroll, the death-watch, whose eyes, unrelenting as the fate which awaited him, had noted his every movement throughout the silent hours of the night.

He did not mention his impending fate, and in his apparent burst of good spirits seemed anxious to avoid doing so.

"It is very cold out," said one, after he had sunk into a meditative silence.

"Is it?" asked Driscoll, as he looked up absently. "I thought it was like summer."

Then he collapsed into silence again, and the grim watchers did not interrupt him.

At 10 o'clock, after pacing slowly up and down his narrow cage, the condemned man threw himself on the cot and lay with his eyes turned towards the ceiling. Thinking?

"He's asleep," said the grim watchers, but their eyes never left his motionless figure.

At 11 o'clock the still figure on the cot moved. Awake again! Awake to life and the reality of the grim, gray presence at his side.

Hungry? A dinner of roast chicken, celery, potatoes and rolls. The meal over, a cigar. There is fictitious solace in smoking, and the man smokes as he paces up and down with the presence at his side.

In this monotony of existence the hours must drag. No, they even cheat one in their eagerness to escape.

The watches are changed.

It is 2 o'clock. There are sounds of footsteps in the corridor, and the man pauses in his preoccupation.

Visitors! Their footfalls say so. Not the regular, methodical echo of the tread of the watches, that sounds as some giant clock marking the seconds between life and death.

Two women and a three-year-old girl. His wife and a relative. The mother's face bears evidence of the terrible strain she has undergone. Tears and lamentations. The little child looks with wide-open eyes of wonderment. At least it does not suffer. Sobs, tears, tears wrung by agony. And through all, the gray presence drew closer and closer to the man.

And at this time in the bleak prison yard below two men stand on a grim and awful instrument—gaunt, bare and forbidding. The gallows!

The men were the executioner and his associate. Their work was for the morrow, and they would be sure of it.

At 3 o'clock the condemned man's mother and brother arrived, and a few minutes later the little group was joined by Father Gelinas. Half an hour sped by and then one of the watchers said that they must make their farewells.

The old mother tries to avoid a scene.

"Good-by, Dan," she sobs. "Good-by."

She could utter nothing else as she clung to him.

"Good-by, mother," he says, as the lines tightened around his mouth in the effort to be calm. "I am all right," he says gently as her sobs increase. "Bear up and don't feel bad."

A last embrace and a "God bless you, Dan," and she staggered out of the narrow corridor.

Brothers are face to face—one about to go out into the free, open sunlight, the other with the gray presence closer and more exultant than before. One is in tears; the other's eyes are dry, but strained in their expression.

"Good-by, Dan,"

"Good-by," firmly with an almost unnatural ring in the voice. A convulsive grip of the hands and they are apart.

The wife and child are back again. Now the strong spirit of the man gives way a little in the presence of the little one. He does not break, however, but kisses the little one a dozen of times. To the tearful wife he says:

"I die happy. Take care of yourself. I'll pray for you, Mary."

They clasp each other in a long, tender embrace, and even the stern watchers turn away their faces to hide their emotion; but Driscoll did not have any tears to hide.

Again he kisses the devoted little wife, and bends and whispers something to her. The stern watchers do not hear what it is. Around her neck he hangs a small medal. The Sisters of Charity who visited the prison gave it to him and it may still do good.

More kisses for the little one, a last embrace to the wife, and at 4 o'clock they are forever. And as the voices grow inaudible down the corridor the man sits on his couch, thoughtful and silent. The sad-faced Sisters whisper some words of consolation and, too, pass silently away.

At 5 o'clock good Father Gelinas came to the cell. He is followed by Mrs. Livingston, who has been visiting prisoners. The kind priest talks long and earnestly, and as he comes from the cell his eyes shine happily through a mist of tears as he says:

"Dan bears up bravely. He is reconciled to death and thinks that it will be his salvation. He is willing to die."

was known as a disreputable resort, and was the scene of many fights.

One day Dan Driscoll made a call with the intention of cleaning out the house. He was cleared out himself, however, and made his exit with less dignity than bruises. Properties to McCarthy accompanying the last application of his boot with the advice to Driscoll not to come again if he wanted to preserve his teeth intact.

Driscoll was whipped, but not satisfied, and he vowed he would kill McCarthy. In May, 1886, Elizabeth Garrity, known among her friends as "Becky," a dark-eyed, well-formed girl, sixteen years old, became fascinated with the Whyo chief, and, forsaking her home in Leonard street with her aged and respectable widowed mother and younger sister, declared her allegiance to Dan Driscoll.

On the night of June 25, 1886, as Hackman Patrick Brennan stood waiting for customers in front of York's saloon in Chatham square, Driscoll, Becky Garrity and another woman, all drunk, hailed him, and he drove them to McCarthy's, 163 Hester street, where all got out. Driscoll and Becky ascended the steps to the door. The other woman walked hastily away, and who she was no one but he could not earth now knows. It was then 3:30 A. M.

Driscoll and the girl entered the house. Two weeks before Driscoll had drawn a bead on McCarthy, but the bullet had missed the mark. As the two entered, McCarthy saw them and attempted to close the door of the room, but the door was held partly closed by McCarthy's foot. Then Driscoll whipped out a revolver and fired. The bullet was in the wall of the room.

Driscoll ran to the door of the back room, thinking to surprise McCarthy from the rear, but McCarthy anticipated his intention, and the back door, and jumped out of a window.

Becky Garrity, when the door of the front room was freed from the pressure of McCarthy's foot, ran into the rear room and unlocked the door to let Driscoll in. Driscoll imagined it was his enemy behind the door, and when it opened a crack he fired another shot.

Becky threw up her arms, crying "I am shot." Carrie Wilson, of 144 Chrystie street, who saw the whole affair, said on Driscoll's trial that she looked into the front room and then nodded to Driscoll, who thereupon fired the first shot. That shot brought John Greene, a newsman, out of his bedroom across the hall. He and Emanuel De Vos, a ball-player and peddler, who was watching a game of cards in another room, and Ryan, Harris and Mattie McCarthy, who were the players, all saw the second shot.

Policeman John Mulholland, whose post was on Hester street and the Bowery, heard a shot and walking towards the source of the sound met a woman, who gasped: "For God's sake go down to Mike Ryan's. Dan Driscoll is killing everybody in the house."

Dan Driscoll emerged from Sullivan's house just then, and the policeman gave chase. Driscoll ran into Baxter street and up the stairs at 129, where his mother had lived on the third floor. There he succeeded in hiding himself for fifteen minutes. His mother had moved away, nobody knew where the junior said her rooms were empty and the key mislaid.

The policemen—there were four of them by that time—went through a room in No. 126, passed by the fire-escape to the windows of 128, got in and found Driscoll lying face down on the floor. He feigned drowsiness and said he had been there all night, sleeping off the effects of intoxication.

His old mother put in her appearance at this point and said: "Yes, Dan, you have been here since 8 o'clock."

Then Driscoll announced that he had found a coat and vest in the empty room and asked his mother to bring him his own. The old woman brought out another coat and vest and Driscoll put them on. He was put under arrest, but proclaimed his innocence. He said:

"Gentlemen, I would rather put my right arm on the railroad track than see my right hand hurt. It's no use to take me to her, for she would not say a word."

When Driscoll was taken into the presence of the wounded girl she was unconscious. But before becoming unconscious—true to her nature—she said to a policeman: "The man who shot her is a scoundrel. He is the man with the red whiskers."

That was McCarthy, and presently he returned to the house and surrendered himself, handing his revolver to a policeman. It was fully loaded and was perfectly cold.

Becky Garrity was taken to St. Vincent's hospital. There her poor old mother and brother visited her. The mother stoutly affirms under oath that in a short period of consciousness Becky opened her eyes and said:

"That you, mamma?" Then after a moment added: "Mamma, I am going to die."

"Who killed you?" asked the mother.

And the dying girl replied faintly: "Dan Driscoll."

Kate Courtney heard Driscoll say to Becky just before they entered the house: "You don't stick to me."

"I'll kick you in the gutter if you don't stick to me."

And his companion replied: "Yes, Dan, you shoot him and I'll show you how I'll stick."

The bullet from Driscoll's 38-calibre revolver passed into Becky Garrity's abdomen. In his report of the post-mortem examination Dr. O'Meara said that the young woman's wound was almost perfect in development, and that she was a remarkably beautiful woman.

Coroner John R. Nugent held an inquest July 1. The jury found that Driscoll did the shooting. Driscoll was tried before Recorder Smyth and found guilty. On Dec. 8, 1886, he was sentenced to be hanged on Dec. 30 following.

Stays were had, appeals made, and arguments were heard by the General Term of the Court of Appeals. The judgment was finally affirmed. On Dec. 2 last Recorder Smyth again fixed the time for Driscoll's death for last Friday. Gov. Hill granted a reprieve until to-day.

PORTRAIT OF A RUFIN.

Dan Driscoll, a Violent Jail-Bird, with a Political Pull and a Devoted Wife.

The crime of which Dan Driscoll to-day paid the penalty with his life was the climax of a long series of violations of the law. He had been in prison many times. He was known to almost every detective in the city. He was the acknowledged leader of that gang of more than one hundred thugs, cut-throats and scoundrels known as the Whyos, on account of the peculiar cry with which the sentinel—placed by them near at hand while they were committing a crime—warned them of the approach of danger.

He was the terror of the Sixth Ward, the hero of countless bloody encounters, the subject of a dozen indictments, and he had a political pull which was usually brought into play successfully to save him from the law's punishment of his misdoings.

His face looks out from portrait No. 1,112, of the Rogues' Gallery, taken some years ago.

He went under the alias of George Wallace at the time, and was quite a different man in appearance than from what he was when he

was in Barney Wintermyer's Five Points saloon. It was three-cornered, Burglar Pat Flaherty holding up one corner and Thief Murphy having the third. Knives and pistols were used in the argument. Murphy was shot in the shoulder by Driscoll and Flaherty's right arm was broken by a ball from Driscoll's pistol. But Flaherty, using his left arm, shot Driscoll through the body and then ran away.

Murphy and Driscoll were taken prisoners to Chambers Street Hospital. During the night a coach drove up to the door. Driscoll, hanging between life and death, got out of his bed, walked down to the carriage, entered and was driven away. He was found a few days later in bed in his mother's house in Leonard street, opposite the Tomb. Meantime the other men had disappeared, and as no complaint came forward he was discharged.

In 1883 Driscoll shot a saucy-kant peddler and his wife in Chrystie street. Policeman Stull, of the Eldridge street squad, chased him several blocks, and catching up just as Driscoll boarded a street car, clubbed him into submission and took him to the station-house. Fatty Walsh, for so long his keeper as Warden of the Tomb, interceded for this time and he was released.

In 1882, while house-cleaning at Faddy Green's saloon under his own home in Pell street, and in the fracas was shot, receiving a severe wound in the head. He escaped by a quibble of the law this time.

In 1882, while on the way to the penitentiary for a minor offense, he traded names with a ten days' man in the prison van and got off by paying a small fine.

THE WHYO GANG.

Seventy-five Per Cent. of Driscoll's Pale Either in Prison or Fugitives.

The Whyo gang, though still in existence, labors under the disadvantage of having 75 per cent. of its membership either in Sing Sing or the penitentiary or fugitives from justice. It consists of pick-pockets, watch "twisters," sneak thieves, confidence men and other second-rate crooks who come from the slums of Pell, Park, Mott and Baxter streets and the lower end of Mulberry street.

The palmist days date back a dozen years or so, before so many of the Five Points ruckies had been razed to make way for factories, and when a Whyo too closely pursued by the police could enter a hallway at Leonard and Centre streets and make his way over fences and through a maze of crooked alleyways and hallways, clean through to Baxter or Park street, and thence through similar labyrinths to a secure hiding place.

The gang got its name from the peculiar piping cry of "Oh-why-oh-why-oh," which its scouts sent forth as a signal to warn the boys of the approach of the police. In old times the Whyos were a prominent element of the Sixth Ward, and prominent statesmen of the ward felt impelled out of common gratitude to do them occasional favors.

The gang never had a leader in the sense of one who gave orders or laid plans; but, as in the case of Driscoll, the most daring and desperate of the number was recognized as their chief.

After the shooting of Bezzie Garrity cut short Driscoll's career in the Sixth Ward. Owen Bruen was hailed as the new chief. He has been "up the river" and was Driscoll's bosom friend. He was with the latter on the night of the murder. A few months ago he jumped out of a hallway in Park street and fired three shots at a policeman of the Elizabeth street station, who was pursuing another of the gang, and was himself taken to the Tomb, but for some reason or other the case was dropped and he was set free.

Pol Sullivan, who was stabbed to death at the corner of Leonard and Centre streets last spring, and "Kid" Hunt, now doing five years in Sing Sing for the crime, were both prominent Whyos.

Other members of the gang now in forced retirement are Tommy Harrington, sentenced to four years for robbery with violence; "Monnie" Quinn, sentenced to five years for playing the green-goods game; McCarthy, Driscoll's mortal enemy, sentenced to five years for counterfeiting; Jimmy Dunn, serving one year in the penitentiary for robbing a saloon; and Brian was arrested two years and six months for burglary.

There is on record but a single case of one Whyo betraying another. Soon after Driscoll's incarceration for the crime of the shooting of Bezzie Garrity, McCarthy, who was sentenced to five years for counterfeiting, gave \$400 to Jim Fitzgerald, a well-known member of the gang. Fitzgerald was to use the money, not exactly for pay counsel, but for the purposes of Driscoll's defense. It was a secret service fund raised by several rallies and by private subscription. Fitzgerald did not use a cent of it in Driscoll's behalf, but ran away with the money to Philadelphia and has not been seen since.

Quite recently it has been judicially determined that it is not a crime to kill a Whyo. An Lyons, a friend of "Green's," was killed four months ago in Dan Murphy's saloon, 199 Worth street, by being hit on the head with a bottle by the saloon-keeper. The Coroner's jury absolved the latter of blame, and he was never indicted by the Grand Jury.

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LEGAL NOTICES.

STATE OF NEW YORK, CITY AND COUNTY OF NEW YORK, ss. We, the Sheriff and Under Sheriff of the city and county of New York, and the other public officers and persons whose names are hereunto subscribed, do hereby certify that Daniel Driscoll, who was sentenced at the Court of General Sessions of the Peace, held in and for the city and county of New York, at the City Hall of said city on the 21st day of October, 1886, and who, as said Daniel Driscoll, was afterwards brought before the said Court of General Sessions of the Peace, held in and for the city and county of New York, at the City Hall of said city on the 21st day of December, 1887, in obedience to the order of said Court and Honorable B. Martin, esq., District-Attorney of the city and county of New York presented and read a remission of the Court of Appeals of the State of New York therein affirming the judgment of the said Court of General Sessions of the Peace, and the record and proceedings according to law, and the said Court having inspected said record and proceedings and having inquired into all the facts and circumstances connected therewith, and there being no legal reason against the extension of said sentence, the said Court of General Sessions of the Peace having then and there required and strictly complied with the order of the said Court of New York to cause execution to be done upon the said Daniel Driscoll ac-

O'NEILL'S,